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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,444	10/31/2003	Debargha Mukherjee	10017341-1	3271

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EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2451	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/699,444	MUKHERJEE ET AL.	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE filed on 10/15/08*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 22-25* is/are pending in the application.

4a) Of the above claim(s) *16-21 and 26-34* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,22-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Claims 1-15,22-25 are pending in this application. Claims 16-21,26-34 have been cancelled. This is a response to the RCE filed on 10/15/08.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15,22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,490,627 issued to Kalra et al.(Kalra) in view of US Patent 5,928,330 issued to Goetz et al.(Goetz) in further view of US Publication 2004/0070786 issued to Molteno.

As per claims 1, 10, 22, Karla teaches a interactive communications session organizer comprising: an interface configured to communicatively couple with a plurality of participants during an interactive media communications session(Abstract); and to organize the scalable media data into a plurality of subparts(Fig.2A, col.5, lines 4-23);wherein at least two of the participants support different levels of scalability for the media data(Abstract, col.2, lines 8-13, 28-44); to communicate the subparts at the retrieved levels of scalability to respective ones of the participants(col.2, lines 28-44).

Karla however does not explicitly teach processing circuitry coupled with the interface and configured to arrange scalable media data into data structures formatted

in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability; to organize the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist; to retrieve from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants; to receive a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data.

Goetz teaches processing circuitry coupled with the interface and configured to arrange scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability(col.4, lines 56-col.5, lines 25, col.7, lines 40-45); to organize the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist(col.4, lines 56-col.5, lines 25, col.7, lines 40-45); to retrieve from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants(col.4, lines 56-col.5, lines 25, col.7, lines 40-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra to include processing circuitry coupled with the interface and configured to arrange scalable media data into data structures formatted in accordance with a content independent indexable data structure format

including one or more fields indicating a level of scalability; to organize the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist; to retrieve from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants as taught by Goetz in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate(Goetz, col.2, lines 56-67).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra and Goetz in order to easily manage and control of multimedia having various media streams with a specific type, subtype, and encoding rate(Goetz, col.2, lines 56-67).

Kalra in view of Goetz however does not explicitly teach to receive a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data.

Molteno teaches providing a plurality of data requests from a plurality of participants requesting different ones of the subparts during user interaction with the media data(Abstract, para.0013).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Kalra in view of Goetz to include providing media during user interaction with media as taught by Molteno in order to improve

performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

One ordinary skill in the art would have been motivated to combine the teachings of Kalra, Goetz and Molteno in order to improve performance of communication of media based the preferences of the users or communication link(Molteno, para.006).

As per claim 2, the method of claim 1 further comprising accessing random subparts corresponding to the data requests, and wherein the scaling comprising scaling the accessed subparts(Molteno, para.0013). Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 1 wherein the receiving attributes relate to unique parameters of the participants with respect to at least one communications bandwidth, display resolution, and processing capacity(Kalra, Abstract, Molteno, para.0006). Motivation to combine set forth in claim 1.

As per claim 4, the method of claim 1 further comprising performing transcoding operations without decoding the media data(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claim 5, 12,24, wherein the initial one of the subparts corresponds to an initial visual image to be depicted by the participants, and the forwarding of the initial one of the subparts comprises forwarding a plurality of data streams of different amounts of data corresponding to the receiving attributes of the respective participants(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claim 6, the method of claim 5 further comprising depicting the initial visual image at a plurality of different resolutions using the participants and responsive to the data streams comprising different amounts of data(Kalra, Abstract, Fig.16A2-A3, col.2, lines 28-43, Molteno, para. 0006,0015). Motivation to combine set forth in claim 1.

As per claims 7,13 further comprising depicting visual images of the media data using the participants, wherein the initial one of the subparts comprises an initial visual image, and the data requests correspond to interactive commands generated by the participants requesting additional views of the initial visual image(Molteno, para.0006, 0013,0015). Motivation to combine set forth in claim 1.

As per claims 8,14,25, the method of claim 1 further comprising: performing transcoding operation without knowledge of the data content(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claims 9, the method of claim 1 further comprising performing transcoding operations without decrypting the media data(Goetz, col.4, lines 56-col.5, lines 25, col.7, lines 40-45). Motivation to combine set forth in claim 1.

As per claim 11, the organizer of claim 10 further comprising storage circuitry configured to store the scalable media data(Kalra, Fig.2B, col.2, lines 27-44). Motivation to combine set forth in claim 1.

As per claim 15, the organizer of claim 10 wherein the processing circuitry is configured to receive the receiving attributes from the participants, and further comprising storage circuitry configured to store the receiving attributes(Kalra, Abstract). Motivation to combine set forth in claim 1.

As per claim 23, the article of claim 22 wherein the programming is configured to cause processing circuitry to communicate an initial one of the subparts corresponding to an initial visual image to be depicted by the participants, and the data requests are received in the organizer responsive to the communication of the initial subpart(Molteno, para.0013-0015). Motivation to combine set forth in claim 1.

Response to Arguments

The Office withdraws the claim objection since the applicant amended the claims.

Applicant's arguments filed 10/15/08 have been fully considered but they are not persuasive.

The applicant argues in substance, that Kalra in view of Goetz in further view of Molteno does not explicitly teach, "interface and configured to arrange scalable media data into data structures formatted in accordance with a content independent indexable data structure format including one or more fields indicating a level of scalability; to organize the arranged scalable media data in a bit stream in which a plurality of levels of scalability of the scalable media data coexist; to retrieve from the bit stream using the format of the content independent indexable data structures respective ones of the requested subparts at levels of scalability corresponding to receiving attributes of the respective participants", in particular that Goetz does not teach "**a content independent indexable data structure format**".

In reply; Goetz, Abstract, col.9, lines 43-53, col.11, lines 48-67, col.13, lines 1-67, teaches a system where data can be encoded to a predetermined format such as H.263 for video and G.723 for audio. The system of Goetz, also takes into

consideration, statistics collected on the network such as, bit rate throughput; network jitter; round-trip when encoding data, e.g. encoding the data for a target transfer rate of 28.8 kb/s or encoded for a target transfer rate of 14.4 kb/s. Therefore Goetz teaches, "a content independent indexable data structure format", since network statistics is used for encoding data, it is independent of the content and dependant on the network.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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